Implementation of Acts in respect of PRIs

676. MAULANA OBAIDULLAH KHAN AZMI: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) to what extent the Constitution (73rd Amendment) Act 1992 and the Panchayats (Extension to the Scheduled Areas) Act, 1996 have been implemented in various States/Union Territories; and

(b) what are the future plans in this regard?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR): (a) and (b) All States to which the Constitution 73rd Amendment Act, 1992 applies, except Jharkhand and Pondicherry have held elections and constituted Panchayats in accordance with the provisions of Part IX of the Constitution. However, as the Constitution provides that it is legislatures of States that will endow the Panchayati Raj Institutions with powers and authority, States have devolved powers and responsibilities to the Panchayats in varying measure. The Union Government in the Ministry of Home Affairs is responsible for devolution to Panchayati Raj Institutions in the Union Territories that do not have a legislature. NCT Delhi has only urban local government in accordance with Part IX A of the Constitution.

The Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) applies to Fifth Schedule Areas in nine States, namely, Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa and Rajasthan. While all these States have enacted the required legislations to comply with PESA, there is need to ensure harmonization of the provisions of such legislation with other State legislation relating to Fifth Schedule Areas and the issue of executive orders to ensure the PESA related protection of the special rights of tribal people in full measure.

To provide an impetus to the implementation of Part IX of the Constitution in letter and spirit by States, the Ministry of Panchayati Raj convened seven Round Tables of State Ministers in-charge of Panchayati Raj between July and December, 2004 and evolved, by consensus, a set or around 150 points for action, which have been put together in a compendium that was adopted unanimously at the conclusion of the last Round Table in Jaipur. The joint programme of action seeks to ensure that on the basis of Activity Mapping, Panchayats at various levels are devolved

with funds, functions and functionaries to enable them to emerge as institutions of self-government. During the third Round Table held at Raipur, action points were also agreed upon in respect of the implementation of PESA, and PESA-compliant State legislation.

A Council of State Ministers of Panchayati Raj under the Chairmanship of the Union Minister for Panchayati Raj has been constituted to review the implementation of the recommendations. The first meeting of the Council was held on 5th-6th August, 2005 at Kochi, Kerala. A Committee of Chief Secretaries of States and State Panchayati Raj Secretaries has also been constituted under the Chairmanship of the Secretary, Ministry of Panchayati Raj to monitor the progress on the implementation of the 150 recommendations of the Seven Round Tables and the decisions of the Council of States Ministers of Panchayati Raj. Four review meetings of the Committee have so far been held in April, 2005, June, 2005, September, 2005, and November 2005.

With a view to interacting with Panchayats and carrying out a review with the authorities concerned of the progress in implementing the points for action mutually agreed upon in the Round Tables, a process of visiting the States and UTs at the level of Union Minister for Panchayati Raj has been initiated. Seven States have been covered so far, including Karnataka, West Bengal, Uttaranchal, Haryana, chhattisgarh, Orissa and Arunachal Pradesh. Rajasthan and Andhra Pradesh are next on the list. Each visit is concluded with a Statement of Conclusions jointly signed by the Union Minister for Panchayati Raj with the Chief Minister of the State concerned, highlighting the key points of action on which the State would move to operationalise the recommendations of the round Tables.

An exercise is also underway to review different statutes with a view to harmonise them with the provisions of Part IX of the Constitution. Similarly, the guidelines of Centrally Sponsored Schemes are being reviewed to ensure the centrality of Panchayats in planning and implementation. As regards new Centrally Sponsored Schemes, wherever relevant, it is proposed to provide for a central role for Panchayats. Thus, for example, the National Rural Employment Guarantee Act provides for the Panchayats to be the "principal authorities" for the planning and implementation of schemes under the Act Steps are also being taken to fill in critical gaps in infrastructure and capacity so that Panchayats can effectively fulfill their constitutional role.